



# Administrative Memorandum

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RE: Administrative Memorandum 04-001

- 2003 Court Interpreter Activity
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- County Court Budget Cuts and Reduction in Staff
- Nebraska State General Fund Appropriations, 1987 - present
- 2004 Legislation Listing

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I am pleased to present this first Administrative Memorandum directed to all judges, child support referees, judicial administrators, clerk magistrates, clerks of the district court, and other select employees of the court. I plan to issue these memoranda on a regular basis to keep judges and court managers informed on a variety of judicial branch activities and issues. These administrative memos will include directives from the Supreme Court, rule changes affecting the trial courts, legislative actions, budget information and a variety of other topics as they arise.

These administrative memoranda will not replace the Judicial News, which will continue to be published on a quarterly basis and sent to all court employees.

I plan to use a variety of means, including written communication, personal meetings and the Judicial Branch website to communicate with judges and court managers. If you have questions about anything, I hope you will feel free to call upon me and the staff of the Administrative Office of the Courts. We are here to help you carry out the work of the courts and we plan to keep you informed.

## 2003 Court Interpreter Activity

*Expenditures for interpreters continue to grow as we expand and improve our interpreter services.*

The Nebraska Supreme Court sponsored two court interpreter training programs in 2003; both were held in Lincoln at Southeast Community College. The first program was an introductory workshop for interpreters of all languages which was held on September 24 and 25, 2003. The second program was a skills building program for our regularly employed Spanish interpreters that was held on September 26 and 27, 2003. Both sessions were conducted by two federally certified court interpreters, Agustin de la Mora from Florida and Patricia Michaelson-King from Virginia.

The Nebraska court interpreter certification exam was given on October 31 and November 1, 2003. We now have five new certified interpreters, bringing our statewide total to eleven. The new Spanish certified interpreters are Sarah Crable, Mitchell; Maria Easterday, Eustis; Dora Gutierrez, Columbus; Kelly Murph, Humphrey; and Robert Roos, Lexington. They received their certification certificates at a ceremony held at the Dawson County Courthouse in Lexington on January 30, 2004. A complete listing of certified interpreters will be placed on the Judicial Branch web site after privacy releases are signed.

## Program Costs

Following is the history of actual expenditures for interpreter services. Note that this includes costs for administration and coordination of the program.

FY 01	\$442,891
FY 02	\$492,279
FY 03	\$491,663
FY 04	\$580,000 (estimate)

During calendar year 2003, the Nebraska courts and the state probation offices authorized interpreter payments in the amount of \$486,712. Of that amount, \$413,793 was paid to Spanish interpreters and the remainder was allocated as follows:

Arabic	\$15,597
Vietnamese	\$10,965
Nuer	\$ 6,726
Sign	\$ 9,970
All Other	\$11,012
One-time payments less than \$100, any language.	\$18,649

Interpreter payments by judicial districts:

District 1	\$ 12,099	District 7	\$ 41,226
District 2	\$ 30,218	District 8	\$ 0
District 3	\$ 67,781	District 9	\$ 49,959
District 4	\$125,585	District 10	\$ 9,921
District 5	\$ 51,832	District 11	\$ 19,104
District 6	\$ 45,903	District 12	\$ 14,435
		One-time payments less than \$100 (statewide)	\$ 18,649

## JUSTICE Access

*Public access to records through Nebrask@ Online became easier in 2004.*

Attorneys, title companies, credit bureaus, lenders, landlords and others can now see information from any trial court using JUSTICE. Nebrask@ Online provides and markets this as a premium service; which means there is a fee for using the service. The case search system provides access to cases filed in all 93 of Nebraska's county courts and to all district courts except the Douglas County District Court.

People who wish to subscribe may contact Nebrask@ Online (NOL) by sending E-mail to [Karen@nol.org](mailto:Karen@nol.org) or by calling 402-471-7810. The service is available to NOL subscribers. NOL charges a \$50 annual fee to become a subscriber. Governmental and certain not-for-profit entities may request the service free of charge. Access to Douglas County District Court records is available using Douglas County's subscriber service known as CPAN(County Public Access Network). Contact CPAN at 402-444-3323. Douglas County also provides access through public access terminals in the courthouse.

The charge for access to the JUSTICE information is as follows:

- Organizations which resell information or expect to retrieve less than 500 cases per month: 60 cents per case retrieved.
- Organizations which do not resell information and expect to retrieve more than 500 cases per month: \$300 per month for 10 IDs.

The NOL Subscription Fee is retained entirely by NOL. NOL retains 50 cents of each individual case access charge, while 10 cents will be deposited in the Supreme Court Automation Cash Fund (Section 24-227.01, R.S.S. 2002). NOL will retain \$250 of the flat monthly access charge, while \$50 will be deposited in the Supreme Court Automation Cash Fund.

Courts will continue to access JUSTICE just as they have, with either a dedicated terminal or a personal computer with emulation software. Public access terminals will also remain the same, and county and state employees who use JUSTICE public access screens will continue to do so.

We are working with the Crime Commission to develop a way to access JUSTICE information through NCJIS (Nebraska Criminal Justice Information System). This service, available to all NCJIS users, should be available in March 2004.

The conversion to NOL is an important step in providing better public access to court information. NOL customers can perform one search to locate all cases in the state where the name entered appears as a party. They are presented search results showing the name of the party, case caption, judge's name (if assigned), case number, county, court, case type, and attorney. If a case is selected for retrieval, a request is sent to the State system and a Case at A Glance screen is built from current information on the local court computer, then sent to NOL where it is formatted and presented to the NOL customer. All of the information is presented in one place and contains descriptive information so the customer will understand what is presented. The information is current as of the moment it is retrieved.

Court employees should suggest the use of this access method to their customers to save time for the customer as well as the court staff.

A number of requests for enhancement to the new access method have been received and evaluated. Changes are being made.

The JUSTICE team is also working on other projects. We are nearly ready to begin a pilot of a project designed to record information in the courtroom during arraignments and other hearings in criminal cases. This information will automatically update JUSTICE and will be available to share. Judges Jeff Marcuzzo, Todd Hutton, Curt Maschman and Pat McDermott have guided the design of this project, and we appreciate the time they and their staff members have shared.

We plan to begin a pilot project to demonstrate indexing scanned images in JUSTICE so they can be retrieved by clicking the corresponding entry on the JUSTICE register of actions.

### **County Court Budget Cuts and Reduction in Staff**

*The budget for the county court system was reduced last legislative session and resulted in staff reductions in several districts.*

During the 2003 legislative session, the budget for the county court system in fiscal year 2004-2005 was reduced by \$200,000. Also in the 2003 legislative session, LB760 was introduced by the Appropriations Committee of the Legislature, passed and approved by the governor. The bill increased court filing fees and, in addition, gave the Chief Justice of the Supreme Court authority to declare non-judicial days in all courts as a cost-cutting measure. As a practical matter, this would have a budgetary impact only in the county courts where a reduction in hours would reduce staff expenditures.

The Administrator's Office began early in 2003 to develop a plan to reduce expenditures to meet the budget cuts. A group comprised of presiding judges and clerk magistrates from each judicial district was invited to participate in the planning and discussion of how to cut spending in a way least harmful to the county court system.

County judges and county court employees across the state rose to the challenge and a combination of cost-cutting measures were implemented, including:

- a temporary hiring freeze early in 2003
- voluntary staff reductions in several counties
- voluntary reassignments to work in multiple counties

All of these measures resulted in an increased workload for employees of the affected counties.

In addition, there were:

- vacancy savings through retirement of several long-time employees
- several involuntary reductions and terminations of part-time employees

As a result of these measures, the work force of the county court system was reduced by the equivalent of seven full-time employees.

It is also important to note that, like all other state employees, state court employees did not receive scheduled salary increases in January, 2004. That was in addition to the \$200,000 reduction just described.

The adjustments and reductions in the county courts were accomplished without the necessity of further reductions in court hours. Those county courts that operate less than 40 hours per week will continue to do so while offering minimal public access on days when the court is not staffed through cooperative agreements with county employees.

### Nebraska State General Fund Appropriations, 1987 – present

Year Ending	General Fund Appropriation	Annual Increase	Supreme Court Appropriation	Annual Increase	Explanation of Increases
1987	\$ 839,291,358	0.00 %	\$ 22,575,257	0.00 %	
1988	\$ 895,808,825	6.73 %	\$ 23,423,661	3.77 %	
1989	\$ 975,248,955	8.89 %	\$ 24,787,760	5.82 %	
1990	\$ 1,232,386,426	26.37 %	\$ 27,340,891	10.30 %	Judges salary increases.
1991	\$ 1,415,098,996	14.83 %	\$ 30,912,566	13.06 %	Judges salary increases, \$500,000 Dist. of Aid, 1 <sup>st</sup> year of ISP General Funding.
1992	\$ 1,534,761,838	8.46 %	\$ 33,098,666	7.07 %	
1993	\$ 1,592,756,073	3.78 %	\$ 34,131,374	3.12 %	
1994	\$ 1,628,738,485	2.26 %	\$ 37,546,366	10.01 %	FY93 had no JUSTICE funding
1995	\$ 1,718,304,079	5.50 %	\$ 38,386,584	2.24 %	
1996	\$ 1,804,174,932	5.00 %	\$ 40,766,713	6.20 %	
1997	\$ 1,885,810,146	4.52 %	\$ 41,986,867	2.99 %	
1998	\$ 1,979,798,320	4.98 %	\$ 42,151,805	0.39 %	
1999	\$ 2,228,579,121	12.57 %	\$ 43,622,809	3.49 %	
2000	\$ 2,339,081,677	4.96 %	\$ 46,103,496	5.69 %	
2001	\$ 2,458,788,690	5.12 %	\$ 49,960,972	8.37 %	
2002	\$ 2,581,445,264	4.99 %	\$ 53,981,584	8.05 %	
2003	\$ 2,621,193,479	1.54 %	\$ 54,389,576	0.76 %	
16 Yr. Ave. Annual Increase		7.53 %		5.71 %	

\*Source: *The Nebraska Blue Book*

### 2004 Legislation Listing

The following bills of interest to the Judicial Branch are being tracked by the Administrative Office of the Courts because of their interest to or impact upon the court system. Information on bills and their current status can be found on the Legislature's web site, [www.unicam.state.ne.us](http://www.unicam.state.ne.us).

For copies of bills, call the Clerk of the Legislature between the hours of 8 a.m. and 5 p.m. at 800-742-7456 (in Lincoln 471-2709) or on-line at [www.unicam.state.ne.us/documents/bills.htm](http://www.unicam.state.ne.us/documents/bills.htm).

### Bills Carried Over From 2003

- **LR20CA** (Beutler) Constitutional amendment to remove the requirement that each county have a county court in and for the county
- **LB16** (Brashear) Changes the registration provisions for limited liability organizations
- **LB20** (Brashear) Removes exclusive county court jurisdiction for cases under § 30-2464
- **LB22** (Brashear) Changes penalty provisions for criminal attempt
- **LB25** (Brashear) County court pleadings relating to determination of inheritance tax would not be open to public inspection
- **LB 37** (Price) Wage Replacement Savings Plan Act
- **LB87** (Dw. Pedersen) Close the Secure Youth Confinement Facility in Omaha

- **LB110** (Cunningham) Eliminates recognition of holiday proclamations by the President (does not include Supreme Court employees)
- **LB117** (Brown) Creates a centralized system for receipt and deposit of all funds paid to the State of Nebraska
- **LB120** (Brown) Authorizes employee buy-outs with deferred compensation contribution and health insurance
- **LB129** (Schimek) Creates an infraction for leaving a child under six unattended in a vehicle
- **LB132** (Thompson) Interstate Compact for juveniles
- **LB172** (Foley) Repeals section requiring schools to provide parental notification information.
- **LB184** (Baker) Requires parents to attend juvenile court hearings
- **LB190** (Redfield) Amends flight to avoid arrest penalty
- **LB198** (Vrtiska) Changes administration of Workers' Compensation
- **LB204** (Bourne) Doubles fines for speeding in a residential district that has a posted speed of 25 mph
- **LB208** (Kruse) Amends the DUI and Implied Consent statutes
- **LB225** (Synowiecki) Adds special conditions of probation for sex offenders
- **LB227** (Aguilar) Creates infraction for having minors in vehicle space not meant for passengers
- **LB240** (Jensen) Provides for liens against third parties for payment of medical assistance
- **LB265** (Tyson) Concealed Handgun Permit Act
- **LB268** (Tyson) Requires the state to pay security costs in county and district courts
- **LB271** (Brashear) Changes provisions relating to victims' rights
- **LB316** (Brashear) Promotes joint custody
- **LB336** (Thompson) OJS must have court approval prior to placement out of state
- **LB346** (Quandahl) Makes murder of other parent a ground for termination of parental
- **LB350** (Schimek) Provides that legal separation decrees can be revoked
- **LB353** (Vrtiska) Learner permits and school permits may be ordered suspended by the court as well as revoked
- **LB361** (Mossey) Probationers and parolees may act as undercover agents
- **LB378** (Bromm) Provides immunity for employers who give job references
- **LB384** (Synowiecki) Repeals guest statutes for automobiles and aircraft
- **LB391** (Erdman) Changes the age of majority to 18
- **LB392** (Erdman) Allows juveniles to be emancipated at age 17
- **LB401** (Jones) Reduces Interstate speed limits east of York
- **LB421** (Bromm) Moves Workers' Comp. Court to Supreme Court for administration and budgetary purposes
- **LB422** (Bromm) Restricts pre-sentence investigations to felony cases
- **LB423** (Bromm) Sets up probation service fees
- **LB428** (Quandahl) Changes provisions of the probate code relating to renunciation and right of retainer
- **LB435** (Beutler) Changes the minimum wage
- **LB441** (Chambers) Prohibits employment discrimination based on sexual orientation
- **LB452** (Smith) Changes penalties and provides late fees for failure to register motor vehicles
- **LB454** (Aguilar) Authorizes drug court programs
- **LB457** (Dw. Pedersen) Guidelines for child support under the juvenile code
- **LB458** (Dw. Pedersen) Provides for electronic surveillance in corrections
- **LB465** (Wehrbein) Increases sheriff's fees
- **LB474** (Kruse) Makes DUI with a minor child passenger is grounds for child abuse
- **LB502** (Schrock) Doubles speeding fines on the interstate
- **LB503** (Schimek) Restoration of voting rights to felons
- **LB507** (Raikes) Changes distribution of inheritance tax
- **LB515** (Synowiecki) Makes restitution a lien on property
- **LB525** (Kruse) Provides for license suspension as part of MIP penalty
- **LB528** (Baker) Limits post-conviction proceedings
- **LB547** (Wehrbein) Allows wage withholding to enforce restitution orders
- **LB565** (Brown) County officials may share duties by inter-local agreement
- **LB589** (Landis) Authorizes attorney fees in residential real estate actions
- **LB591** (Quandahl) Provides for attorney fee in contract actions

- **LB607** (Schimek) Allows auditor to do performance audits
- **LB613** (Bourne) Provides for confidential communications in domestic violence and sexual assault cases
- **LB617** (Synowiecki) Provides that appearance bonds be used to pay restitution if it is ordered
- **LB675** (Erdman) Eminent domain by railroads
- **LB679** (Stuhr) Changes retirement age and benefits in judges retirement
- **LB719** (Urb. Aff. Cmte) Increases fines for violation of handicapped parking
- **LB722** (Landis) Court cost increase
- **LB751** (Beutler) Makes clerks of district court state employees, creates the position of clerk of the court
- **LB761** (Brashear) Judges salary bill
- **LB772** (Quandahl) Authorizes recovery of costs, interest and attorney's fees as part of a settlement
- **LB781** (Kruse) Prohibits race as a determining factor in death penalty cases
- **LB788** (Quandahl) Changes provisions relating to execution of judgments
- **LB789** (Synowiecki) Probation officers salary increases equal to state bargaining units

#### ***Bills Introduced In 2004***

- **LR221 CA** (Brown) Constitutional amendment to grant compensation as inducements for state employees to terminate employment
- **LR226** (Quandahl) Legislative Resolution objecting to unfunded federal mandates
- **LB814** (Smith) Changes videoconferencing and telephone conferencing requirements for public meetings
- **LB816** (Chambers) Changes provisions relating to sexual abuse of an inmate
- **LB848** (Aguilar) Sets attorney fees in civil cases
- **LB850** (Mossey) Creates the offense of domestic assault and sets out requirements for judges at time of sentencing [PRIORITY BILL]
- **LB851** (Mossey) Allows judges to take into consideration danger to the community in setting bail
- **LB852** (Burling) Changes provisions relating to legal settlement
- **LB853** (Vrtiska) Changes provisions relating to civil protective custody
- **LB855** (Hudkins) Creates the offense of interference with child visitation
- **LB862** (Baker) Doubles current speeding fines
- **LB864** (Mines) Changes trustee duties under the Uniform Trust Code
- **LB865** (Thompson) Child abuse prevention license plates
- **LB866** (Byars) Requires seat belts for all occupants of vehicle
- **LB871** (Kruse) Amends penalties for DUI, DUS Motor Vehicle Homicide
- **LB872** (Kruse) Prohibits assault by AIDS or HIV
- **LB874** (Mossey) Redefines sexual contact as it relates to sexual assault of a child
- **LB875** (Mossey) Amends the Sex Offender Registration Act
- **LB 876** (Brashear) Adds an additional district judge to the 9<sup>th</sup> district [Chief Justice testified in support]
- **LB877** (Brashear) Adds Clay and Nuckolls to the 1<sup>st</sup> Jud. Dist. for district courts [AOC testified in support]
- **LB882** (Quandahl) Changes service of process in forcible entry actions
- **LB883** (Quandahl) Eliminates subrogation and contribution rights for property damages related to vehicular pursuit
- **LB884** (Quandahl) Changes requirements for corporate surety bonds for certain state officers
- **LB885** (Quandahl) Changes provisions of Uniform Trust Code
- **LB887** (Quandahl) Changes supersedeas appeal bonds to Court of Appeals and Supreme Court
- **LB891** (Stuthman) Requires prevailing party in civil cases to notify opposing party of the judgment [AOC testified in opposition]
- **LB894** (Byars) Not wearing seatbelts becomes a primary action and court costs are collected
- **LB898** (Schimek) Accountability and Disclosure Act amendments
- **LB901** (Brown) An act relating to computer crimes
- **LB920** (Combs) Insurance coverage for mental health conditions
- **LB930** (Vrtiska) Workers' compensation, third party claims
- **LB940** (Gov't Cmte) Eliminates a probation committee
- **LB943** (Thompson) Eliminates statute of limitations for sexual assault of a child

- **LB958** (Foley) Assault of an Unborn Child Act [PRIORITY BILL]
- **LB959** (Foley) Provides for a civil action for damages on behalf of an unborn child
- **LB968** (Baker) Eliminate clerk magistrates in counties under 5,000 population and have their duties performed by clerks of district court [AOC testified in opposition]
- **LB991** (Landis) Redefines a term relating to discriminatory wage practices based on sex
- **LB992** (Agriculture) Grain Warehouse Act
- **LB1001** (Chambers) Prohibits recording telephone conversations between incarcerated persons and court personnel
- **LB1005** (HHS Cmte) Adoption home studies are to include a search of national criminal history records
- **LB1009** (Mines) Requires certificates of dissolution of marriage to be filed with registrar of deeds
- **LB1022** (Jones) Prohibits mobile phone use for those with provisional, learner or school permits
- **LB1023** (Jones) Refreshment of jury lists to be done less than annually
- **LB1028** (Price) Requires an annual report from HHS to the Governor and Legislature on the status of Nebraska's child support enforcement program
- **LB1030** (Ret. Cmte) Provides state and county employees with the same investment options for the employer portion of their account as they have in the employee portion
- **LB1035** (Brashear) Adds an additional reason for denying an application to proceed in forma pauperis
- **LB1044** (Beutler) Requires a notice of proposed condemnation to owner or tenant
- **LB1055** (Brown) Requires a chemical analysis fee upon conviction of violating Uniform Controlled Substances Act
- **LB1068** (Chambers) Allow disclosure of PSI information for research [Supreme Court testified in support]
- **LB1075** (Stuthman) Allows the Attorney General to file juvenile court petitions in the counties without separate juvenile courts [PRIORITY BILL]
- **LB1085** (Chambers) Changes provisions relating to motions for new trial and the DNA Testing Act
- **LB1089** (Bromm at req. of Gov.) Appropriations Bill
- **LB1097** (Ret. Cmte) Makes changes to judges and state employee retirement [PRIORITY BILL]
- **LB1111** (Thompson) Creates a new offense related to provisional operator's permits
- **LB1112** (Thompson) Authorizes state and political subdivisions to charge a fee for dishonored
- **LB1113** (Landis) Allows the court to award public entities witness fees when employees are required to testify
- **LB1116** (Dw. Pederson) The Correctional and Rehabilitative Services Act
- **LB1117** (Dw. Pederson) Allows inmate eligible for parole to be furloughed to community programs
- **LB1118** (Audit Cmte) Changes powers and duties of auditor
- **LB1131** (Audit Cmte) Nebraska Treatment and Corrections Act [PRIORITY BILL]
- **LB1145** (Jensen) Deals with licensure of alcohol and drug abuse counselors
- **LB1150** (Beutler) Prohibits the sale of Ferguson House
- **LB1162** (Mines) Relates to LEIF [PRIORITY BILL]
- **LB1179** (Smith) Changes provisions relating to electronic communications and public meetings [Chief Justice testified in support]
- **LB1182** (Beutler) Gives Supreme Court authority to relocate judges within a judicial district
- **LB1194** (Smith) Auditor may not do performance audits
- **LB1202** (Brashear) Applicants for public jobs will not be publicly disclosed unless they are finalists
- **LB1207** (Brashear) Modifies language in civil statutes
- **LB1208** (Brashear) Changes retirement age, benefits and contributions to judges' retirement and increases court costs 25 cents
- **LB1209** (Brashear) Removes Chief Justice from the Capitol Commission [AOC testified in support]
- **LB1210** (Brashear) Amends language relating to Counsel for Discipline [AOC testified in support]
- **LB1218** (Beutler) Combines the 8<sup>th</sup> and 9<sup>th</sup> district court judicial districts [AOC testified in neutral position]
- **LB1229** (Quandahl) Adds electronic records to the definition of "record"
- **LB1236** (Landis) Creates the offense of computer fraud
- **LB1238** (Landis) Creates child abuse investigation and prosecution centers
- **LB1251** (Aguilar) Gives additional powers to the Foster Care Review Board
- **LB1253** (Synowiecki) Moves Probation to the Executive Branch [Chief Justice testified in opposition]